

CANADIAN HUMAN RIGHTS TRIBUNAL

BETWEEN:

FIRST NATIONS CHILD AND FAMILY CARING SOCIETY OF CANADA  
and ASSEMBLY OF FIRST NATIONS

Complainants

and

CANADIAN HUMAN RIGHTS COMMISSION

Commission

and

ATTORNEY GENERAL OF CANADA  
(representing the Minister of Indian and Northern Affairs)

Respondent

and

CHIEFS OF ONTARIO, AMNESTY INTERNATIONAL CANADA  
and NISHNAWBE ASKI NATION

Interested Parties

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**AFFIDAVIT OF CASSANDRA LANG**

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I, Cassandra Lang, of Ottawa, Ontario, make oath/affirm as follows:

1. I am the Director, Children and Families, in the Children and Families Branch at Indigenous and Northern Affairs Canada (INAC). I lead the headquarters team responsible for implementation of national policy and program management for the First Nations Child and Family Services Program (the Program).

2. I have reviewed the Canadian Human Rights Tribunal's (Tribunal) ruling dated January 26, 2016 and the September 14, 2016 ruling with respect to remedy. I have also reviewed the September 30, 2016 and October 31, 2016 compliance reports filed by INAC in response to the September 14, 2016 order. In my capacity as Director, I oversaw the drafting of these compliance reports, which are attached as **Exhibits "1" and "2"** respectively. I have also reviewed the written submissions filed with the Tribunal by Canada on May 24, 2016 and July 6, 2016.
3. The compliance reports and submissions, along with this affidavit, detail Canada's efforts to comply with the Tribunal's orders on immediate relief made to date. These efforts are discussed in greater detail below.

#### **Funding Compliance**

4. The Budget 2016 investments of \$634.8 million over five years represented a first step in addressing funding gaps in the Program. This year, \$71.1 million in new funding was allocated to support the Program. As of December 2016, approximately 75% of this funding has flowed to agencies. The remaining 25% will be spent prior to March 31, 2017. Budget 2016 funding is allocated as set out on page 6 of Canada's September 30, 2016 compliance report. To date, an additional approximately \$20 million has been allocated to agencies to respond to pressures identified in late 2015-16 and 2016-17. Examples of agency pressures include maintenance pressures, other deficits and payments resulting from the impacts of provincial reforms.
5. To respond to the Tribunal's September 14, 2016 orders to increase prevention services for families at risk, as well as adjust the funding approach for small agencies, INAC made further investments to the funding set out in paragraph 4 above. In the fourth quarter of the 2016-17 fiscal year, additional funding (that is, funding beyond Budget 2016 investments or funding for agencies pressures) for these two items total approximately \$1.9 million. The funding will be ongoing and adjusted to reflect actual needs as they are identified by agencies.

6. INAC is engaging with all its partners across the country to further explore different models to respond to the increased need for prevention services. Examples raised by partners that INAC is considering include reimbursing or funding agencies based on actual costs (similar to what is done in the case of maintenance) and supporting communities in their efforts to provide prevention programming. INAC has also asked agencies, including small agencies, to provide the Department with further information about their actual needs and distinct circumstances, as outlined below.
7. On October 28, 2016, INAC offered First Nations delegated agencies funding to provide the Department with information about their actual needs and distinct circumstances. Agencies were invited to submit individual reports or to work together or through existing mechanisms (e.g., involvement in regional tripartite working tables) to provide this information. Attached as **Exhibit 3** is the October 28, 2016 letter to agencies.
8. To date, approximately 80 agencies in British Columbia, Alberta, Manitoba, Ontario, Quebec and the Atlantic provinces have begun the process of seeking funds to provide INAC with information on their needs, including areas identified by the Tribunal as needing reform. INAC has asked to receive the reports from agencies on their needs by the end of June 2017, however, some agencies have indicated that they will need more time to provide the information.
9. Investments of approximately \$1.975 million have been allocated to regions for this fiscal year to support agencies to identify their actual needs and distinct circumstances, with additional funds being available should other agencies confirm they are interested in responding to INAC's request. These funds are in addition to the funds outlined in paragraph 4 above. Further, the letter sent by INAC provided agencies with a funding opportunity to implement a cultural vision for their programming (e.g., implementation of Touchstones of Hope, development of culturally based tools for communities). To date, a number of agencies in British Columbia have expressed an interest in doing this work and

approximately \$1.5 million has been allocated to support this work. These funds are in addition to the funds outlined in paragraph 4.

10. Discussions are ongoing with agencies in other regions of the country about the funding opportunity to develop a cultural vision.
11. As ordered by the Tribunal on September 14, 2016, INAC has committed “to not reduce or further restrict funding” for agencies, as set out on page 2 of its October 31, 2016 compliance report.

#### **Engagement and Reform Activities – Update Since Canada’s October 31, 2016 Compliance Report**

12. As set out in its September and October 2016 compliance reports, Canada has taken steps to comply with the Tribunal’s orders. However, any further reform must be undertaken in collaboration with Canada’s partners. This work is underway.
13. To that end, Canada continues to develop and implement a multi-pronged engagement process to gather information on agency needs and work collaboratively towards medium and long-term reform with our partners, including First Nations, their leadership and political organizations, the National Advisory Committee, First Nations child and family services agencies, provinces and Yukon, and youth who have aged out of care, to name a few.
14. This engagement approach includes appointing a Minister’s Special Representative to gather advice and perspectives from a range of partners across the country. It also involves establishing the National Advisory Committee on First Nations Child and Family Services Program Reform (see Annex F to Canada’s October 31, 2016 submission). Since the filing of the October 31, 2016 report, progress has been made in each of these areas. A brief update is provided below.

15. The Minister's Special Representative, Dr. Cynthia Wesley-Esquimaux, has been meeting and continues to meet with a broad range of partners, including: First Nations Child and Family Services agencies, First Nations leadership, community members and youth, community organizations and provincial/territorial governments. Through these meetings, the Minister's Special Representative is able to hear directly about promising practices in child welfare protection and prevention. Her Statement of Work is attached as **Exhibit 4**.
16. In addition to an announcement on October 27, 2016, the Minister's Special Representative was introduced in a letter to partners from the Minister on October 26, 2016, and through further communications as part of the regional visits. Dr. Wesley-Esquimaux's first official regional engagement visit was in British Columbia from November 21-30, 2016. During that visit, the Minister's Special Representative and senior officials from INAC met with representatives from First Nations leadership and communities, elder advisors, the province, the provincial advocate's office, First Nations Child and Family Services agencies, and youth advisory committees and networks.
17. A regional visit to Alberta took place on January 15-20, 2017 where she met with First Nation Chiefs, youth, community members, agency representatives and the provincial government.
18. Other visits are planned for: Ontario (January 23-26, 2017), New Brunswick, Nova Scotia and Prince Edward Island (February 6-10, 2017), Quebec (February 20-24, 2017), Saskatchewan (February 27-March 2, 2017), Yukon (March 6-8, 2017), Manitoba (March 13-17, 2017) and Newfoundland and Labrador (March 20-21, 2017). The Minister's Special Representative is also speaking to individuals who contact her to share their concerns and views. Individuals can contact the Minister's Special Representative through the department.
19. The input and perspectives shared to date are providing the Minister of INAC with a broad range of ideas and options to fully reform the Program in order to respond to the Tribunal's orders. As a result of these initial discussions, INAC is

undertaking discussions\* with partners and exploring putting agreements in place to support several pilot projects on prevention and new models for service delivery, including with Esketemc First Nation (also known as Alkali Lake), Shuswap Tribunal Council and Chippewas of the Thames. More community-based best practices/approaches will be identified, shared and further developed as they are raised by partners during the engagement process, either through discussions with the Minister's Special Representative, through regional or national engagement tables, or by individual communities or agencies.

#### **Regional Engagement and Reform Activities – Update Since October 31, 2016 Compliance Report**

20. Funding of approximately \$2.44 million has been allocated to support regional engagement and reform activities. Regional tripartite meetings are being supported across the country. For example, there was a tripartite meeting in Saskatchewan on January 11, 2017 and in Manitoba on January 13, 2017 to discuss and plan for the Minister's Special Representative's regional visits with regional program stakeholders.
21. Funding is also being provided to Indigenous Regional Organizations and other key partners to undertake activities for engagement and to support input for reform, such as: reviewing existing regional reports (e.g., studies and recommendations by regional organizations, provincial advocates and others which may set out specific suggestions for approaches to prevention or other areas of need for agencies or communities) and prioritizing and advising on how to implement the recommendations in these reports; drawing on Indigenous methodologies to engage with First Nations communities, families and others from across the region; and providing evidence-based advice to inform the reform process. For example, the Assembly of Manitoba Chiefs is receiving funding in Manitoba, and the First Nations of Québec and Labrador Health and Social Services Commission is being funded to coordinate engagement in Quebec.

## **Ontario 1965 Agreement – Update Since Canada’s October 31, 2016 Compliance Report**

22. INAC is working with the Province of Ontario and First Nations regarding the distribution of funding and planning for broader engagement on the reform and development of new options for the *1965 Agreement*. INAC worked with the provincial Ministry of Children and Youth Services and the Social Services Coordination Unit at the Chiefs of Ontario on a one-time way to fund immediate relief investments for Ontario for 2016-17 in the amount of approximately \$5.8 million. The Chiefs of Ontario presented INAC and the province with the amount that each community would receive and Ontario disbursed the funds on behalf of Canada so that communities could fund prevention activities.
23. Building on these discussions, a technical tripartite meeting of directors of social services from INAC, the province of Ontario and Indigenous Regional Organizations took place in Ontario on January 13, 2017. At this meeting, the tripartite group identified the following items for further discussion: review of the *1965 Agreement*, Band Representatives, mental health, scoping an Ontario-specific study, remoteness and a framework for a long-term policy and funding approach. Following this meeting, Terms of Reference will be agreed to by Ontario, INAC and First Nations representatives to guide future collaborative efforts of this group and a follow-up meeting is planned for February 15, 2017.
24. In response to the Affidavit of Deputy Grand Chief Denise Stonefish concerning funding for mental health, Band Representatives and an Ontario Special Study, INAC is working in partnership with Ontario, provincial Indigenous Regional Organizations and individual First Nations to examine these issues, as set out in paragraph 23 above. The issue of funding for and the role of Band Representatives or equivalent capacity supports for regional representative organizations has also been raised by First Nations in other provinces and must be examined as part of the larger national engagement process as well. The issue of mental health must be examined in partnership with other federal departments,

including Health Canada, and the provinces/Yukon as it is a broader issue than the Program.

25. In response to the Affidavits from Nishnawbe Aski Nation on agency deficits, under the *1965 Agreement*, INAC has a reimbursement-based transfer-payment relationship with the province of Ontario and not with individual agencies. The agencies have a direct funding relationship with the Government of Ontario, per its responsibilities under the *Child and Family Services Act*. INAC reimburses the Government of Ontario for approximately 93% of provincially approved agency expenditures eligible under the *1965 Agreement*, including a 10% federal holdback pending audit of submitted expenses. The province of Ontario provides INAC with financial statements related to services eligible under the *1965 Agreement* for registered First Nations children in care normally resident on reserve.
26. INAC is working with these agencies, including as outlined in paragraph 7, to assist them to provide the Department with information about their actual needs. Also, as part of tripartite meetings between INAC, the province of Ontario and First Nations Indigenous Regional Organizations, discussions are underway about how to work together to better understand and respond to agency and community needs across the province of Ontario.
27. In addition, INAC has had preliminary discussions with the leadership of the Nishnawbe Aski Nation regarding their needs and proposals for a study on remoteness, which could include gathering remoteness data and/or developing a remoteness quotient that could be applied to meet the needs of agencies in remote regions. These discussions are ongoing.

**National Advisory Committee – Update Since Canada’s October 31, 2016 Compliance Report**

28. Regarding its national engagement activities, INAC has worked closely with the Assembly of First Nations and the First Nations Child and Family and Caring



Society to establish the National Advisory Committee, recognizing the important role this body will play in advising the reform process. Following discussions over the past several months, meetings took place on December 6, 2016 and December 15, 2016 to agree on Terms of Reference for the Committee.

29. The Terms of Reference specify that the Committee includes a national chair, three representatives from the federal government, one representative from the Assembly of First Nations, one representative from the First Nations Child and Family Caring Society, 10 First Nations child and family services agency directors (one from each of the Assembly of First Nations's regions), one First Nations youth representative and one First Nations Elder representative.
30. In response to the Affidavit of Jonathan Thompson concerning the expertise of this Committee and its role in the engagement process, the Terms of Reference for the National Advisory Committee have been approved. The Committee will play an important role in providing an avenue for expert advice on agency funding needs and all of the other issues set out in the Terms of Reference. The first meeting will be on January 24 and 25, 2017. The Terms of Reference are attached as **Exhibit 5**.
31. INAC has provided funding of approximately \$440,000 to the Assembly of First Nations for staff and supports to provide policy advice and do research, outreach and communications on social policy issues, including First Nations child and family services, as well as participate in the Committee. INAC has also provided funding of approximately \$118,000 to the Assembly of First Nations to conduct research and carry out a survey of service providers to determine the range of services provided, the optimal level of service, the costs associated with providing equitable services and to develop a funding formula or economic model for First Nations family and child services. In addition, INAC has allocated approximately \$149,000 to support the First Nations Family and Caring Society to support their participation in the Committee and related processes. The funding agreement has not yet been signed by the organization.

## **National Engagement Activities – Update Since Canada’s October 31, 2016 Compliance Report**

32. As part of national engagement activities, INAC is engaging with its partners to design a National Youth Summit. The current concept for the Summit is to focus on hearing directly from youth who have been in care about their experiences and perspectives on what needs to change. A planning meeting for the Summit, involving approximately 30 youth from across the country, is being planned for February 13 and 14, 2017.
33. The Minister of INAC will also be meeting with provincial/territorial child advocates on January 25 or 26, 2017. In addition, INAC is also working with Employment and Social Development Canada and the provinces and territories to share information through a Federal/Provincial/Territorial Working Group on Indigenous Children and Youth and Care, and to prepare for the meeting of federal/provincial/territorial Ministers Responsible for Social Services, scheduled for February 2 and 3, 2017. The Minister will attend this meeting to discuss the issue of Indigenous Children and Youth in Care with National Indigenous Organizations and provincial/territorial Ministers Responsible for Social Services. All of these discussions are in support of reform of First Nations child and family services.

## **Response to Specific Issues Raised in the Affidavits of Complainants or Interested Parties**

34. In response to the Affidavit of Raymond Shingoose regarding agency funding needs at Yorkton Tribal Council Child and Family Services Inc., INAC confirms that funding in the amount of \$973,054 was provided to the agency for 2016-17 in respect of immediate relief investments. This amount was calculated according to the national methodology previously described by INAC in its submissions. Mr. Shingoose notes that there continues to be a cumulative deficit of \$1.2 million and states that it is inadequate meet the agency’s needs, particularly in respect of prevention. The offer that INAC has made to First Nations delegated agencies

(referenced in paragraph 7) would provide Yorkton with an opportunity to clarify and share further information about its actual needs and distinct circumstances in support of these activities. INAC commits to ongoing work with its partners, including Yorkton Tribal Council Child and Family Services Inc., to gather information about agency needs in Saskatchewan through tripartite and other regional engagement activities (as outlined in paragraphs 20 and 21 above).

35. In response to the Affidavits of John Loxley and Jonathan Thompson expressing their concerns about INAC's ability to analyze the information received on agency needs, INAC will be seeking expert assistance in the interpretation of this information. INAC is also gathering information about agency needs through engagement in the regional tripartite tables and the National Advisory Committee.
36. In response to the Affidavit of Dr. Cindy Blackstock regarding agency deficits at Mi'kmaw Family and Children's Services of Nova Scotia (paragraph 32), INAC provided the agency with \$400,000 in immediate relief as per Budget 2016 calculations, as well as an additional \$5.1 million to respond to their estimate of the funding required to cover pressures, including funding needs related to provincial legislative changes. Attached as **Exhibits 6 and 7** are copies of the agency's estimate of their needs and INAC's agreement with the agency to fund those needs.
37. In response to the Affidavit of John Loxley regarding funding calculations for Gitxsan in British Columbia, the funding amount of \$1,356,388 (represents existing plus new funding at full implementation) was reached by inserting data for the agency into the funding calculation sheet. This total is then adjusted because of agency size and the phasing in of new funds over five years. With the adjustments that take place because of agency size, the total is \$1,291,968, at full implementation of Budget 2016 funding. To determine funding for year one (2016-17), new funding of \$215,347 (which is 40% of the allocation of new funding at full implementation of \$538,369) was added to the 2015-16 funding amount (\$737,384), resulting in an allocation of \$952,731. Based on discussions

at the regional level with Agency Executive Directors, additional funds were allocated to the agency, resulting in a 2016-17 budget of \$1,164,934. This amount is listed on the "immediate relief methodology" document distributed by the British Columbia region. Attached as **Exhibit 8** is a copy of this immediate relief methodology document.

38. In response to paragraph 4 of Dr. Blackstock's second Affidavit alleging that a particular document (attached as Exhibit A to her affidavit) had not been included in INAC's September 30, 2016 compliance report, this document was submitted as part of its October 31, 2016 compliance report (Annex G, page 78), as it was a product of a regional discussion.
39. In response to paragraph 40 of Dr. Blackstock's first Affidavit referencing a motion in the House of Commons calling for an investment of \$155 million in new funding for the delivery of child welfare services for First Nations children, Canada has invested an additional approximately \$95 million in funding for 2016-17. As outlined in paragraph 7, INAC is also seeking information from agencies about their actual needs and distinct circumstances to inform the reform of funding for the Program.

#### **Medium and Long-Term Relief**

40. In relation to immediate relief, INAC's Budget 2016 and additional investments have increased to approximately \$95 million for 2016-17 to respond to the Tribunal's orders to meet agency and other organizations' needs. With these new funds, all regions are now and will continue to be supported with prevention-based funding.
41. Longer-term reform will involve exploring the development of national standards and legislation, and models where First Nations assume jurisdiction over child and family services. INAC is also engaging with all its partners to gather evidence on how to address other gaps, such as capital needs, legal fees and remoteness. Engagement activities to inform agency funding reform will continue through

2017, including through the work of such partners as the National Advisory Committee. INAC requires input from its partners to make decisions on these funding items that will result in long-term improvements to support First Nation children, families and communities. In addition, INAC will be funding some community-based best practices on prevention and community wellness activities.

SWORN TO/AFFIRMED before me at  
Montreal, Province of  
Quebec, this 25 day of  
January, 2017

Kim Piché  
A Commissioner for Taking Affidavits

Cassandra Lang  
Cassandra Lang

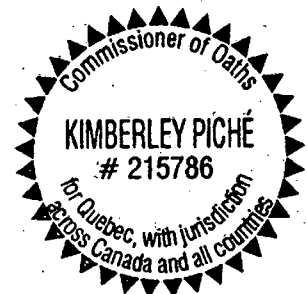


Tribunal File No. T1340/7008

This is Exhibit "1" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

*Kim Piché*

A Commissioner for Taking Affidavits



Tribunal File No. T1340/7008

This is Exhibit "2" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

Kim Piché

A Commissioner for Taking Affidavits



Tribunal File No. T1340/7008

This is Exhibit "3" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

*Kimberley Piché*

A Commissioner for Taking Affidavits







October 28, 2016

*Letter sent via electronic mail*

Dear First Nations Child and Family Services Agencies (Executive Directors, Directors, and Managers,

In response to the January 26, 2016 Canadian Human Rights Tribunal decision and the Truth and Reconciliation Commission's Calls to Action, Indigenous and Northern Affairs Canada (INAC) has committed to reform the First Nations Child and Family Services Program (the Program) to address child welfare on reserve. To ensure that our work reflects the needs of all partners, we are engaging with First Nations, provincial and territorial partners, as well as service providers and other experts. We are looking forward to reaching out in the coming weeks to share information about our engagement approach and how we intend to connect with partners and stakeholders.

The purpose of this letter is to offer you two one-time funding opportunities as a part of the engagement and reform process. These two opportunities are available for each Agency and you may apply for one or both of those opportunities.

The funding opportunities are explained in more detail below but in summary are as follows:

Part 1) INAC will fund \$25,000 for you to provide INAC with information about your Agency's distinct needs and circumstances to inform our thinking on new funding approaches; and/ or

Part 2) INAC will fund up to \$75,000 to develop and implement culturally-based programs and tools for the community (ies) that your Agency serves.

INAC is aware that many agencies are already working in partnership to determine how to address their needs and circumstances as well as to develop and implement culturally-based programs and tools. INAC will support agencies partnering together, and working with other First Nations organizations, to coordinate their participation in this process, given work underway, in various regions.

#### Part 1: Distinct needs and circumstances

As part of the engagement and reform process, INAC will be examining funding approaches that equip service providers to best address the needs of children and families in the communities they serve. As part of this process, INAC would like to invite you to provide information about your agency's distinct needs and circumstances, the associated costs to meet these needs, and the factors that impact the way you deliver child and family services. This information will help INAC to better understand the reality on the ground, and inform the path forward.



To support you to gather this information, INAC will provide \$25,000 for each agency through your regional INAC office. Please contact them directly. Ideally we would like to receive this information on your needs by June 30, 2017.

INAC is open to agencies describing their actual needs, and the funds required to meet those needs, as they know them best. Some examples of areas agencies may wish to provide information on include:

- 1) The agency's ability to provide prevention services and programs to maintain children safely in their family environment
- 2) The percentage of children in care and families in need in the communities served
- 3) Understanding what services are available in the community and the need for accessing services off-reserve
- 4) The prevention and post-care needs of children and families (e.g. cultural programming, early intervention, prevention, after care services.)
- 5) How remoteness and geographic isolation impacts an agency's ability to provide services (e.g. with respect to travel costs, higher costs of living, other additional costs)
- 6) The caseload ratios of protection and prevention workers needed to provide services and/or achieve results for communities
- 7) How to better understand and mitigate issues of recruitment, retention and training of agency staff
- 8) Needs and options for how best to operate a small agency
- 9) The scope and range of legal fees needed to support children in care
- 10) Building/ capital repair needs
- 11) Any other areas of need and/or particular circumstances you deem applicable to community needs in the area that you serve.

## Part 2: Culturally-based programs and tools development and improvement

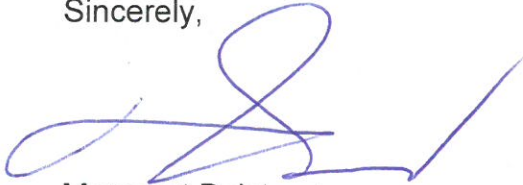
INAC will make available up to \$75,000 for each interested agency to support their development or updating and implementation of:

- a) A culturally-based vision for your programming and service work (e.g., Touchstones of Hope), and/or
- b) Culturally-based child and family service standards/ evaluation mechanisms, and/ or the delivery of programs, development of prevention tool-kits, best practices guides, etc.

This funding will be proposal-based and is available in either 2016-2017 or 2017-2018. Your regional INAC office will be pleased to provide you more detail. For reporting purposes, INAC is interested in receiving documentation that details your visioning work and/ or the program activities or practices work your agency has developed.

We continue to support your work providing child and family services rooted in a culturally respectful and community-based understanding for the needs of healthy children, families and communities as a whole. Throughout the broader Program reform engagement process, INAC will continue to gather information on agency needs and circumstances and want to ensure that we hear from all agencies and service providers. We welcome all suggestions for engaging at the community level that you may have.

Sincerely,

A handwritten signature in blue ink, appearing to be 'Margaret Buist', with a large loop at the top and a long horizontal stroke at the bottom.

Margaret Buist

C.c. Provincial or Yukon Government area(s) responsible for Child and Family Services

C.c. INAC Regional Director Generals





Le 28 octobre 2016

*Lettre envoyée par courrier électronique*

Chers organismes des services à l'enfance et à la famille des Premières Nations  
(directeurs exécutifs, directeurs et gestionnaires),

Dans le but de répondre à la décision du Tribunal canadien des droits de la personne prise le 26 janvier 2016 ainsi qu'à l'appel à l'action lancé par la Commission de vérité et réconciliation, Affaires autochtones et du Nord Canada (AANC) s'est engagé à réformer le Programme des services à l'enfance et à la famille des Premières Nations (le Programme) afin de régler les enjeux reliés aux services de protection de l'enfance dans les réserves. Afin que nos travaux prennent en compte les besoins de tous les partenaires, nous consultons les Premières Nations, les partenaires provinciaux et territoriaux, les fournisseurs de services de même que d'autres spécialistes. Nous avons hâte de mettre en œuvre cette consultation au cours des prochaines semaines et partager l'information au sujet de l'approche que nous prendrons à cet égard, ainsi que la façon avec laquelle nous avons l'intention de communiquer avec les partenaires et les intervenants.

Le but de la présente lettre est de vous offrir, dans le cadre du processus de consultation et de réforme, deux possibilités de financement ponctuel. Ces deux possibilités sont offertes à tous les organismes; il vous est donc possible de présenter une demande pour l'une ou l'autre de ces possibilités de financement, ou les deux.

Les possibilités de financement sont expliquées plus en détail ci-dessous, en voici d'abord un résumé :

- 1) AANC offre un financement de 25 000 \$ pour que vous lui soumettiez des précisions sur les besoins et le contexte particuliers de votre organisme afin de guider sa réflexion sur de nouvelles approches en matière de financement;
- 2) AANC offre jusqu'à 75 000 \$ pour l'élaboration et la mise en œuvre de programmes et d'outils adéquats sur le plan culturel pour la ou les communauté(s) auxquelles votre organisme offre des services.

AANC est conscient que de nombreux organismes travaillent déjà en partenariat afin de déterminer comment répondre à leurs besoins et à leurs contextes particuliers ainsi que pour l'élaboration et la mise-en-œuvre de programmes et outils axés sur la culture. AANC aidera les organismes à collaborer avec d'autres organisations des Premières Nations afin de coordonner leur participation à ce processus, compte tenu des activités déjà en cours dans diverses régions.



## 1) Besoins et contexte particuliers

Dans le cadre du processus de consultation et de réforme, AANC examinera des approches de financement qui permettront aux fournisseurs de services de répondre le plus adéquatement possible aux besoins des enfants et des familles des communautés pour lesquelles ils offrent des services. Pour ce faire, AANC vous invite à fournir de l'information sur les besoins et le contexte particuliers à votre organisme, sur les coûts à assumer pour répondre à ces besoins et sur les facteurs qui ont des répercussions sur la façon dont vous fournissez les services à l'enfance et à la famille. Ces informations aideront AANC à mieux comprendre la réalité sur le terrain ainsi que la voie à suivre dans l'avenir.

Pour vous aider à recueillir ces informations, AANC, par l'intermédiaire de votre bureau régional, offre 25 000 \$ pour chaque organisme. Idéalement, nous aimerions recevoir l'information au sujet de vos besoins et contextes particuliers d'ici le 30 juin 2017.

Les organismes peuvent décrire leurs besoins réels, et les fonds requis pour satisfaire à ces besoins, puisque ce sont eux qui les connaissent le mieux. Voici des exemples d'informations que les organismes pourraient souhaiter soumettre :

- 1) La capacité de l'organisme à fournir des services et des programmes de prévention visant à maintenir les enfants dans un environnement familial sécuritaire.
- 2) Le pourcentage d'enfants pris en charge et de familles dans le besoin dans les communautés servies.
- 3) La connaissance des services offerts dans la communauté et le besoin d'accéder à des services hors des réserves.
- 4) Les besoins en matière de prévention et de soins ultérieurs à la prise en charge des enfants et des familles (programmes culturels, intervention rapide, prévention, services en soins ultérieurs, etc.).
- 5) Les répercussions de l'éloignement et de l'isolement géographique sur la capacité de l'organisme à fournir des services (coût des déplacements, coût de la vie élevé, autres coûts, etc.)
- 6) Les ratios de cas pris en charge par les travailleurs affectés à la protection ou à la prévention nécessaires pour fournir des services et/ou obtenir des résultats pour les communautés.
- 7) Les enjeux liés au recrutement, au maintien en poste et à la formation du personnel afin de mieux comprendre et atténuer les problèmes.
- 8) Les besoins des petits organismes et les meilleurs modes de fonctionnement pour eux.
- 9) L'étendue et la diversité des frais juridiques à assumer pour aider les enfants pris en charge.
- 10) Les besoins en matière de réparations aux bâtiments ou aux immobilisations.
- 11) Autre information liée aux besoins ou contexte particuliers des communautés pour lesquelles vous offrez des services.



2) Programmes et outils de développement et d'amélioration adéquats sur le plan culturel

AANC rendra disponible un montant pouvant s'élever jusqu'à 75 000 \$ pour chaque organisme afin de soutenir l'élaboration ou la mise à jour et la mise en œuvre :

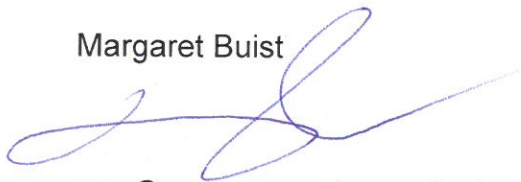
- a) d'une vision adéquate sur le plan culturel à l'égard des programmes et services offerts (par exemple, *Touchstones of Hope*); et/ou
- b) de normes de services ou de mécanismes d'évaluation des services à l'enfance et à la famille adéquats au plan culturel, et/ou la prestation de programmes, la création de trousseaux de prévention ou des guides sur les pratiques exemplaires, etc.

Il s'agit d'un financement axé sur les propositions, qui sera fourni en 2016-2017 ou en 2017-2018. Le bureau d'AANC de votre région se fera un plaisir de vous donner de plus amples renseignements. En ce qui concerne les fins de préparation de rapports, AANC souhaite recevoir des documents qui précisent votre vision et/ou les activités ou pratiques en matière de programmes que votre organisme aura élaborées.

Nous continuons de soutenir vos travaux en vue de fournir des services à l'enfance et à la famille qui découlent d'une compréhension globale des besoins des enfants, des familles et des collectivités, qui sont axés sur la communauté et qui respectent sa culture. Tout au long du plus vaste processus de consultation au sujet de la réforme du Programme, AANC continuera de recueillir de l'information sur les besoins et le contexte des organismes. Nous voulons nous assurer de connaître le point de vue de tous les organismes et de tous les fournisseurs de services. Nous accueillons toutes les suggestions au sujet de la consultation au niveau communautaire que vous souhaitez nous fournir.

Recevez, Madame/Monsieur, mes plus sincères salutations.

Margaret Buist



c.c. Gouvernements provinciaux et du Yukon, responsables des services à l'enfance et à la famille

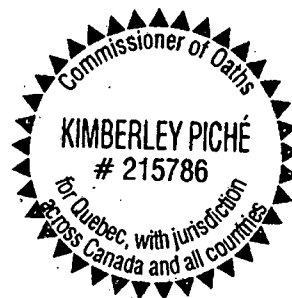
c.c. Directeurs généraux régionaux d'AANC

Tribunal File No. T1340/7008

This is Exhibit "4" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

Kimberley Piché

A Commissioner for Taking Affidavits



## **ANNEX "A"**

### **STATEMENT OF WORK**

#### **REFORMING THE FIRST NATIONS CHILD AND FAMILY SERVICES PROGRAM**

##### **SW1 BACKGROUND**

###### **(a) File Background**

First Nations child services is an extremely political, complex, and challenging area of public policy that involves a range of national and regional partners and organizations.

The First Nations Child and Family Services program must be reformed as part of reconciliation efforts, as called for by the Truth and Reconciliation Commission, and given the findings of the Canadian Human Rights Tribunal.

INAC has consistently underscored the necessity of engaging with First Nations (i.e. leadership and communities) and provinces/Yukon Territory in order to undertake reform of the First Nations Child and Family Services program. The Department's Children and Families Branch plans to engage nationally and regionally. At the national level, a Summit on Indigenous Child Welfare is proposed to be held in October 2016. Regional engagement is also necessary and will take into account differing political, legislative, and structural differences with respect to First Nations child and family services.

The Canadian Human Rights Tribunal has yet to provide a final ruling on remedies with respect to its January 26, 2016 Decision. The nature of the Tribunal's ruling on remedies cannot be predicted and may result in changes to Canada's approach going forward. However, there remains opportunity need to demonstrate concerted efforts at reconciliation and a commitment to authentic program reform.

###### **(b) Status of Negotiation Services - At Start of Contract**

Not applicable.

###### **(c) Status of Negotiation Services - Current**

Not applicable.

##### **SW2 OBJECTIVE(S)**

The Department's key objective is to engage with First Nation and provincial/Yukon Territory partners to develop options for reforming the First Nations Child and Family Services program in a manner that responds to both the Calls for Action set out by the Truth and Reconciliation Commission and the findings of the Canadian Human Rights Tribunal.



### **SW3 SCOPE OF WORK**

- 3.1 The Contractor shall perform the Authority:
  - 3.1.1 Lead specific interventions when political issues arise;
  - 3.1.2 Lead federal consultations with third parties when sensitive issues are expected to be discussed;
  - 3.1.3 In consultation with the federal negotiation team, provide strategic advice to the Minister and senior departmental management;
  - 3.1.4 Provide strategic advice to the federal negotiation team;
  - 3.1.5 Attend sessions, meetings at key times when highly sensitive issues are discussed and/or when important messages have to be delivered to the other parties;
  - 3.1.6 Resolve deal breaker issues within the mandate provided by Cabinet, the Federal Steering Committee and the Minister;
  - 3.1.7 Hold periodic meeting with Indigenous and provincial/territorial counterparts to assess overall progress on negotiations; and
  - 3.1.8 Act as the federal spokesperson for enquiries from the media, in consultation with the Minister's office and/or the Communications Branch of the Department of Indigenous and Northern Affairs Canada, when so mandated under the terms of the Contract.
  
- 3.2 The Contractor shall perform the following specific roles according to the file and to the satisfaction of the Project Authority:
  - 3.2.1 Act as direct link between the Department and First Nation political and advocacy organizations;
  - 3.2.2 Provide advice, recommendations, and coordination in the execution of the Department's Engagement Strategy, which striving to assure partner INAC's approach to engagement;
  - 3.2.3 Support engagement activities (e.g. meetings and discussion sessions), advise on research, and maintain key partnerships;
  - 3.2.4 Undertake key planning and provide strategic support to the execution of a National Summit on Indigenous Child Welfare;
  - 3.2.5 Channel information and decisions from the political and strategic levels to technical level officials to allow informed progress and action; and,
  - 3.2.6 Facilitate linkages between regionally specific engagement (e.g. Regional Tripartite Tables and session) and the broader national dialogue (e.g. the National Advisory Council) while working to facilitate the functionality of these bodies.

#### **SW4 OUTPUT/DELIVERABLES**

During the current contract period, the Contractor shall:

- 4.1 Barring circumstances beyond the control of the parties to this Agreement, deliver:
  - 4.1.1 Achieve an initial consensus on how to engage on developing options for reforming the First Nations Child and Family Services program;
  - 4.1.2 Act as a member of the National Advisory Committee by both attending its meetings, and undertaking necessary work in support of this Committee;
  - 4.1.3 Attend and support other key regional and national stakeholder meetings that may occur to ensure forward momentum and tangible outcomes;
  - 4.1.4 Report on meetings held with partners, as well as other interested parties, outlining key outcomes of said meetings as they relate to reforming the First Nations Child and Family Services program;
  - 4.1.5 Provide regular recommendations to the Department, as pertinent and based on ongoing engagement, on interim measures that can be taken to address programmatic issues in advance of full-scale reform;
  - 4.1.6 Communicate outcomes of engagement and progress on developing options to partners and stakeholders to assist in confirming what has been heard; and,
  - 4.1.7 Guide, inform and take part in the development of a final report outlining actionable options for reforming the First Nations Child and Family Services program, sensitive to the rulings of the Canadian Human Rights Tribunal, the Truth and Reconciliation Commission's Calls to Action, and the federal/provincial/territorial considerations of child and family services on and off reserve.
- 4.2 Upon request of the Project Authority, submit short written reports on: meetings, summaries of Member of Parliament briefings, media interviews and enquiries from key stakeholders in the quantities, formats and on the deliverable dates specified ;
- 4.3 Upon request of the Project Authority, provide proposed key accomplishments and plans for the next month in the written monthly activity report;
- 4.4 Provide monthly invoices which include:
  - 4.4.1 Itemized monthly activity reports indicating numbers of hours spent daily on each activity - such as person(s) consulted, meetings attended, time spent on travel status, research and preparation work undertaken, engagement discussion sessions conducted and reports written;
  - 4.4.2 A summary of eligible expenses and accompanying receipts; and,
- 4.5 When requested by the Project Authority, complete and submit a Federal Negotiator or Representative Performance Report – Part 1, Contractor's Self-Evaluation on Results to Date, as part of Annual table review process

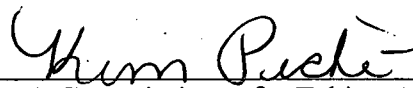
## **SW5 DEPARTMENTAL SUPPORT**

The Project Authority shall:

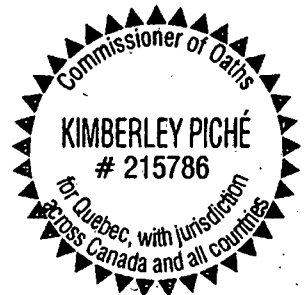
- 5.1 Provide relevant background material on reforming the First Nations Child and Family Services program to the Contractor and access to required Departmental documents;
- 5.2 Provide claims, self-government or other relevant policy material, briefings and ongoing policy support, as required, throughout the discussions/negotiations and access to those individuals with whom consultation is required;
- 5.3 Provide the Contractor a copy of the Indian and Northern Affairs Canada Media Relations Policy and Procedures; and
- 5.4 Provide a "Letter of Introduction" to the Contractor, as required, to be used for identifying himself or herself to third parties for fact-finding and other engagement activities and for obtaining government rates where they are offered individuals or firms working for the Government of Canada under contract.

Tribunal File No. T1340/7008

This is Exhibit "5" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.



A Commissioner for Taking Affidavits



**TERMS OF REFERENCE**  
**National Advisory Committee on**  
**First Nations Child and Family Services (FNCFS) Program Reform**

**Purpose:**

The purpose of these Terms of Reference is to set out the mandate, membership and roles and responsibilities of the National Advisory Committee.

**Background:**

1. The Joint INAC/AFN NAC met regularly from 2001-2008, primarily to oversee implementation of the National Policy Review's 17 Recommendations to the Minister of INAC on changes needed to the DIAND policy governing the FNCFS Program. In 2004 and 2005, the NAC produced three reports regarding the FNCFS Program known as the *Wen:De* reports.

2. On January 26, 2016, the Canadian Human Rights Tribunal ("the Tribunal") released its decision (2016 CHRT 2 "Decision") in *First Nations Child and Family Caring Society of Canada et al. v. Attorney General of Canada* ("the Complaint"). The Complaint had been filed in 2007. The Tribunal determined that the federal government discriminated against First Nations children on the grounds of race and national ethnic origin by failing to ensure substantive equality in the provision of child and family services for First Nations peoples. The Tribunal also found that the federal government's definition, policies and application of Jordan's Principle to be discriminatory. The Tribunal has retained jurisdiction over the matter and issued a subsequent order on April 26, 2016 (2016 CHRT 10). A further Tribunal order is pending.

3. The Tribunal ordered Aboriginal Affairs and Northern Development Canada (now Indigenous and Northern Affairs Canada ("INAC")), to cease its discriminatory practices and reform the First Nations Child and Family Services ("FNCFS") Program and the *Memorandum of Agreement Respecting Welfare Programs for Indians* applicable in Ontario ("1965 Agreement") to reflect the findings in the Decision. INAC was also ordered to cease applying its narrow definition of Jordan's Principle and to take measures to immediately implement the full meaning and scope of the principle. In 2016 CHRT 10, the Tribunal further clarifies that the order is to "immediately implement" not immediately start discussions to review the definition in the long term. The Tribunal further "orders INAC to immediately consider Jordan's Principle as including all jurisdictional disputes (this includes disputes between federal departments) and involving all First Nations children (not only those children with multiple disabilities). Pursuant to the purpose and intent of Jordan's Principle the government organization that is first contacted should pay for the service without the need for policy review or case conferencing before funding is provided." In 2016 CHRT16, the Tribunal further noted that Jordan's Principle applies on and off reserve and ordered INAC to immediately implement several measures regarding child and family services funding.

4. INAC has committed to working with First Nations leadership and

organizations; child and family services agencies; front-line service providers; the parties to the Complaint; and other stakeholders, on steps towards FNCFS Program reform and meaningful change for First Nations children and families.

5. The Tribunal has deferred consideration of medium- to long-term relief until its consideration of immediate relief has concluded. In their submissions to the Tribunal, both the AFN and the Caring Society sought the establishment of a joint policy development initiative between INAC and the Complainants to reform the FNCFS Program, and which also may guide the Tribunal in determining appropriate Orders on mid-terms and long-term relief.

6. INAC has undertaken to immediately establishing and adequately resourcing a NAC, in order to begin the necessary and critical reform of the FNCFS Program. Establishing a NAC is a crucial first-step in addressing the medium to long-terms changes to the FNCFS Program.

### **Guiding Principles**

7. The National Advisory Committee's process will be guided by the following principles:

- a. Consistent with the United Nations Convention on the Rights of the Child, the United Nations Committee on the Rights of the Child General Comment 11, the United Nations Declaration on the Rights of Indigenous Peoples and the TRC's Calls to Action, the best interests and well-being of First Nations children will be paramount.
- b. Federal, provincial/territorial and First Nations' decision-making processes must be respected.
- c. Involvement of community, parents, and extended family as a corner stone of effective and culturally based child and family services.
- d. INAC and other federal government departments engaged in the provision of services to First Nations children and families have a legal obligation not to discriminate against those children and families.
- e. Policies, programs and services must be responsive and relevant to the distinct needs of children and to community needs and realities.
- f. Whenever possible, families have the right to stay together. All services and preventative measures ought to be exhausted before a child is removed from the family.
- g. First Nations have an interest in the well-being of all of their members, regardless of where they live.

### **Mandate**

8. The NAC is mandated to provide advice, input into the design and assist in the development of reforms of First Nations child and family services policies and programs on-reserve to First Nations leaders and agencies and the Minister of INAC. The NAC shall review across-the-board reforms, including federal government authorities, policies and practices, to the national framework to support FNCFS Agencies, the greater needs of First Nation children, each First Nations community's cultural vision of safe and healthy children and families, provincial/territorial variances, and mechanisms to ensure communication, accountability and dispute resolution.
9. The National Advisory Committee will provide advice on future reforms to the First Nations Child and Family Services Program in a way that promotes the safety and best interests of First Nations children, taking account of the distinct needs and circumstances of First Nations children and families – including historical and ongoing disadvantage and their cultural, linguistic and geographical needs and circumstances – in order to ensure substantive equality in the provision of child and family services to them.
10. Upon agreement by the members of NAC, NAC may select and retain experts to assist it in its work, on an as-needed basis. Preference will be given to experts with demonstrated expertise regarding First Nations child and family services.
11. In addition, the NAC may establish working groups to further the goals, work and objectives of NAC, as appropriate.
12. The NAC will address, but will not be limited to, the elements of the current FNCFS Program. The NAC can provide advice to assist in the reform of the program on an interim basis throughout its term as well as producing reports or research as it sees fit.
13. The NAC's deliberations, and the information provided to and/or produced by the NAC, will be made available to the public.
14. The copyright of materials produced at the direction of the National Advisory Committee will be determined within the individual service contracts. Members of the NAC and participating member organizations respect the intellectual and moral property rights regarding Indigenous cultures, languages and traditional knowledge. All research will be conducted in keeping with the OCAP research principles (Ownership, Control, Access and Possession) and observe ethics review processes, including First Nations research ethics boards where they operate.
15. INAC agrees to provide documentation on an ongoing basis of all CFS and Jordan's Principle documents, reports, data, budgets and policies that it is legally able to provide to the NAC and the NAC will be provided with copies of documents requested (including portions of documents that are not redacted), in a timely manner, to enable the NAC to complete its work and mandate.

16. The members of the Committee agree to work together to achieve the mandate of the Committee and to collectively provide recommendations for the program reform of the FNCFS program.

### **Term of the NAC**

17. The NAC will commence its work in January 2017 and will complete its recommendations by January 31, 2018. Extension of time will be agreed to by the members of the Committee.

### **Membership**

18. The National Advisory Committee will be composed of the following members:

- a. One (1) national chair;
- b. Three (3) representatives of the Federal Government including one or more regional INAC representatives;
- c. One (1) representative of the AFN;
- d. One (1) representative of the First Nations Child and Family Caring Society of Canada;
- e. Ten (10) FNCFS Agency Directors, one representative from each of AFN's regions;
- f. One (1) First Nation youth representative; and
- g. One (1) First Nation Elder(s) representative.

19. The ten (10) FNCFS Agency Director, youth and elder members will be selected by the AFN through its ordinary processes.

20. INAC will provide adequate funding that is necessary for the NAC to complete its work, activities and mandate.

21. The National Advisory Committee will be chaired by a person agreed to by INAC, the AFN, and the First Nations Child and Family Caring Society of Canada.

22. By consensus representatives of the Provinces and Yukon Government may be invited to participate in the NAC's work, in order to provide assistance to the NAC and its members.

23. The Canadian Human Rights Commission may participate as an interested party.

### **Responsibilities of the National Advisory Committee**

24. The Committee will be responsible for:

- a. Making recommendations, input into the design and assist in the development of FNCFS Program reform(s).
- b. Making recommendations on the design of engagement processes to assist in developing approaches for reform.
- c. Providing an advisory and support role to existing regional tables in the



- engagement processes and supporting the development and operation of regional tables in regions where they do not currently operate.
- d. Developing mechanisms for sharing information of the work and the activities of NAC, including with First Nations and Provincial Territorial Organizations, as appropriate.
  - e. Developing and providing approval of a work plan for the work of the committee and the work of any advisory or expert working groups
  - f. Overseeing processes for decision making, and recording decisions, understandings and minutes of NAC meetings.
  - g. Making recommendations regarding implementation activities and following-up as appropriate.

### **Operating Principles**

25. The NAC will operate on the basis of consensus and any dispute will be resolved by the Chair, with the assistance of an Elder.
26. The costs for representatives of FNCFS Agencies to participate in the work of the NAC shall be borne by the NAC.

### **Canadian Human Rights Tribunal (Tribunal)**

27. These Terms of Reference shall be filed with the Tribunal. The Committee shall provide reports and/or minutes of its meetings to the Tribunal as long as the Tribunal retains jurisdiction over the complaint or until it orders otherwise or the parties to the complaint agree otherwise.

## **ANNEX A**

### **Suggested Topics to be addressed by the National Advisory Committee (to be discussed once Committee is fully formed)**

The National Advisory Committee may address the following elements of the FNCFS Program:

#### **A. General**

- i. Jurisdictional models eligible for funding under the FNCFS Program
- ii. General funding structure, stacking provision considerations, and considerations of eligible costs including funding arrangements between INAC and Provinces/Territories and non-Aboriginal service providers.
- iii. Provisions for First Nations children not served by a FNCFS Agency to ensure comparable and culturally appropriate services.
- iv. Provisions for extraordinary costs related to unusual occurrences that engage higher child welfare costs such as natural disasters, substantial increases in mental health or substance misuse, and unusual requirements for mandatory staff participation in inquiries.
- v. Provisions for organizational networking and learning to promote the sharing of research and best practices among FNCFS Agencies.
- vi. A process for economically modelling revisions to funding policy and formula and evaluating the efficacy of such changes on an ongoing basis to ensure they are non-discriminatory and safeguard the best interests of the children.
- vii. A funding structure that takes into account costs related to historic disadvantage and distinct cultures and languages of First Nations.
- viii. FNCFS Agency staff salaries, benefits, and training.
- ix. Training for public servants involved in the FNCFS Program to ensure proper training for management of the program, including professional development on child development, First Nations cultures/histories, the Truth and Reconciliation Commission, and the history of the FNCFS Program including the Tribunal decisions.
- x. Creating a new definition of “neglect” that takes into account First Nation norms, values and culture.
- xi. Mechanisms for ensuring that reforms do not reduce current funding levels or numbers of arrangements for FNCFS Agencies.

- xii. Levels of service provided by FNCFS service providers and INAC reporting requirements imposed on FNCFS service providers should be comparable to the level of service provided by or imposed on provincial territorial governments and not pose an undue burden on agency staff .
- xiii. FNCFS funding agreements should promote long term planning, sustainable service provision and evaluation.
- xiv. FNCFS services should be based on effective First Nations models, including jurisdictional models, for the design, delivery and evaluation of First Nations Child and Family Services and on sharing information and effective practices.
- xv. FNCFS service providers serving small populations of eligible children should receive sufficient resources to allow them to provide culturally appropriate services that are comparable to those provided by FNCFS service providers serving large populations of eligible children.
- xvi. FNCFS funding for service providers serving more than 1000 children in care must account for the full population served.
- xvii. There are to be no reductions or further restrictions in the level of FNCFS funding for any agency.
- xviii. INAC approval criteria and processes for the development and operation of new First Nations child and family service agencies.
- xix. First Nations efforts to exercise jurisdiction and/or initiatives to create separate self-governing child welfare regimes are to be supported and acknowledged
- xx. The Touchstones of Hope framework for the design and implementation of community based visions of child safety and wellbeing.

*B. Creation of a new FNCFS regime*

- i. Creation of a new FNCFS regime to fully replace the existing programs and services.
- ii. New regime shall consider the distinct needs and circumstances of First Nations children and families living on-reserve, including their cultural, historical and geographical needs and circumstances.
- iii. Program shall address the higher service needs of First Nation children resulting from intergenerational impacts of Indian Residential School and effects of colonization, along with higher costs to deliver those services

- iv. Ensure substantive equality in the provision of child and family services to First Nations children and families living on-reserve.
- v. Develop enhanced funding mechanisms to ensure isolated, remote and northern communities serviced by agencies will be provided with equitable services and a full range of programs offered elsewhere.

*C. Maintenance*

- i. Calculation of yearly maintenance.
- ii. Appeal mechanisms regarding eligible maintenance expenses.
- iii. Reimbursement of legal costs.
- iv. Funding of support services intended to reunite children in care with their family.

*D. Operations*

- i. Baseline assumptions of children in care for funding of FNCFS Agencies.
- ii. Mechanisms to account for historical and ongoing inflation losses and annual adjustments going forward to ensure FNCFS Agency funding keeps pace with inflation.
- iii. Corporate legal costs and costs for liability claims.
- iv. Funding of remote agencies and agencies in urban areas to account for higher operations and maintenance costs.
- v. Funding for records management, policy development and human resources management, liability insurance, audits, janitorial services, and security.
- vi. Funding of costs related to the receipt, assessment and investigation of child welfare reports for all FNCFS Agencies that hold delegation for these functions including costs for after-hours service delivery.
- vii. Funding of capital costs that takes into account increased need due to augmentation of prevention staff, services, and programs, and to ensure that buildings, computers, and vehicles meet the applicable safety regulations, are child safe, accessible by persons with disabilities, and support comparable child and family services.
- viii. Funding of emergency repairs and maintenance of buildings.
- ix. Funding for staff travel and travel costs related to children and families receiving child welfare services.

- x. Definition of eligible child.
- xi. Any changes to the funding structures to FNCFS Agencies or their reporting requirements.

*E. Prevention Funding*

- i. Funding for the adequate and sustained provision of primary, secondary, and tertiary prevention services.
- ii. Funding for the development, operation and evaluation of culturally-based prevention programs and reforms based on those evaluations.

*F. Jordan's Principle*

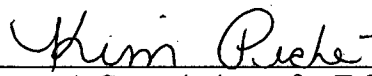
- i. An approach to implement the full meaning and scope of Jordan's Principle in compliance with the CHRT orders across all children, all jurisdictional disputes and all federal services ensuring no delays in service provision related to the child's First Nations status.
- ii. The creation of a non-discriminatory, accessible and transparent process for reporting of federal Jordan's Principle cases.
- iii. The creation of non-discriminatory and transparent assessment criteria and assessment processes for reports of federal Jordan's Principle cases.
- iv. The creation and implementation of an independent appeal process for federal Jordan's Principle cases.
- v. Recommending mechanisms and required resources for public education regarding Jordan's Principle among First Nations, FNCFS Agencies, federal/provincial/territorial government officials and other stakeholders (such as: health professionals, teachers, and early childhood educators).

*G. Accountability*

- i. The creation of an independent permanent expert structure with the authority, resources and mandate to monitor and publicly report on INAC's performance in maintaining non-discriminatory and culturally-appropriate First Nations child and family services and in fully implementing Jordan's Principle.
- ii. The creation of a mechanism to act as a national and publicly accessible repository for all non-privileged information relevant to the provision of FNCFS services.
- iii. All proposed reforms will be presented to the AFN Chiefs-in-Assembly for consideration, discussion and input.
- iv. INAC shall carry out its duty to consult with first Nation governments and accommodate any First Nation interests with regard to any final proposal for program reform.
- v. Training and capacity building for INAC and other federal government officials to ensure non-discriminatory, culturally based and equitable child and family services and implementation of Jordan's Principle.

Tribunal File No. T1340/7008

This is Exhibit "6" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.



A Commissioner for Taking Affidavits



Mi'kmaw Family and Children's Services of NS: Budget 2016-17 & Projected 2017-18

DRAFT - for discussion

	Operations	Maintenance	Prevention	F2017 Total	Notes	F2018 Total
Maintenance		\$ 10,636,000		\$ 10,636,000	1	\$ 11,149,000
Prevention Programming			\$ 1,500,000	\$ 1,500,000	2	\$ 1,530,000
Legal	\$ 520,000		\$ 490,000	\$ 1,010,000	3	\$ 1,030,000
Other Direct Program	\$ 30,000		\$ 1,140,000	\$ 1,170,000	4	\$ 1,193,000
Salaries and Benefits	\$ 9,279,000			\$ 9,279,000	5	\$ 9,557,000
Salaries and Benefits - changes in legislation	\$ 826,000			\$ 826,000	6	\$ 1,687,000
Salaries and benefits - 3rd office	\$ -			\$ -	7	\$ 345,000
Travel	\$ 1,015,000			\$ 1,015,000	8	\$ 1,367,000
Training and Conferences	\$ 355,000			\$ 355,000	9	\$ 422,000
Office Rental Space	\$ 223,000			\$ 223,000	10	\$ 677,000
Professional Fees	\$ 153,000			\$ 153,000	11	\$ 156,000
Professional Fees - legislation/additional advisory	\$ 100,000			\$ 100,000	12	\$ 150,000
Audit	\$ 20,000			\$ 20,000	13	\$ 20,000
Office and Admin	\$ 113,000			\$ 113,000	14	\$ 124,000
Telephone and Equipment	\$ 70,000			\$ 70,000	15	\$ 84,000
Insurance	\$ 45,000			\$ 45,000	16	\$ 52,000
Dues and fees	\$ 20,000			\$ 20,000	17	\$ 21,000
Board of Directors	\$ 139,000			\$ 139,000	18	\$ 142,000
Office renovations - Indian Brook	\$ 175,000			\$ 175,000	19	\$ -
Office Equipment - teleconferencing eqmt	\$ -			\$ -	20	\$ 20,000
Office Equipment - Eskasoni	\$ -			\$ -	21	\$ 300,000
Office Equipment - 3rd office	\$ -			\$ -	22	\$ 50,000
	\$ 13,083,000	\$ 10,636,000	\$ 3,130,000	\$ 26,849,000		\$ 30,076,000
<b>Current Budget</b>						
INAC CFS	\$ 8,300,000	\$ 6,500,000	\$ 3,130,000			
Province of NS	\$ 280,000	\$ 2,104,000				
Child Tax Credit		\$ 1,008,000				
HST and Sundry	\$ 250,000					
	\$ 8,830,000	\$ 9,612,000	\$ 3,130,000	\$ 21,572,000		\$ 21,572,000
				Required additional funds -2016/17		\$ 8,504,000
				Less the one time payments		\$ 370,000
				Required additional funds -2016/17 (excluding one time pymts)	2017/18	\$ 8,134,000



**Mi'kmaw Family and Children's Services of NS: Budget 2016-17 & Projected 2017-18**

# DRAFT - for discussion

**Notes:**

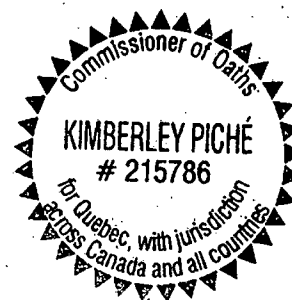
Based on F2016 maintenance costs + increase YOY of approx 5% plus additional expected costs for high special needs children (i.e. Jordan's Principle) and for maintenance costs in relation to changes in legislation for 16-19 year olds. For F2018 - 2% increase YOY + full year for changes in legislation for 16-19 year olds (based on 20 children at an average cost of \$20,000 = \$400,000 as an estimate on an annualized basis). Note that F2016 actual for maintenance and provincial settlement = \$6.7 million + 2.2 million = \$8.9million + increase in maintenance for high special needs children 1 and other expected increases in costs of \$1.6 million + \$100,000 for 16-19 year olds = \$10.6 million.
2 For costs related to supervision and early intervention; increase of 2% YOY for F2018
3 Legal costs based on actual costs for F2016 + YOY increase of 10% (in case changes in legislation increase this cost as well). Budgeted the same for YOY increase for F2018.
Other direct programming for operational includes foster family support budget of \$30,000 and for prevention includes the budget for all programming costs for prevention budget for supervision and 4 EI. For F2018, budgeted 2% increase YOY.
Salaries and benefits includes all salaries and benefits (exclusive of the healing centre) for current staff only. For F2018, budgeted a 3% increase for COL increases as well as for those increases 5 related to performance.
6 Additional staff for changes in legislation - see separate spreadsheet for details.
Salaries and benefits for 3rd office to service southern end of the Province - these salaries and benefits are based on the following 5 positions - supervisor, social worker, case aid, family group 7 conference and administrative support
Travel is based on estimated \$703,000 for current staff for F2017 and then add additional travel for positions created for changes in legislation of approx \$312,000 for those hired to the end of F2017 8 and then add a full year for F2018 (see separate spreadsheet on changes in legislation for further details)..
Training and conferences is based on estimate for F2017 of \$300,000 (actual for F2016 was \$362,000 based on additional conference costs) + adding additional \$55,000 for additional staff due to 9 changes in legislation to the end of F2017. For F2018, projected 2% increase YOY + additional costs for additional staff for changes in legislation for full year F2018
Office rental space include the following expenses: office rental, electricity and repairs and maintenance. For F2017, includes office rental of Eskasoni trailers of \$25,000, electricity of \$52,000 and projected Eskasoni new temporary office space, insurance, equipment of \$39,000 to the end of F2017. For F2018, includes a projected YOY increase of 2% plus a year of temporary office space for 10 Eskasoni, rent for the new Eskasoni office location of \$400,000 and rent for 3rd office location of approximately \$60,000 including utilities.
11 Professional fees budget for F2017 based on \$153,000 budget; YOY increase for F2018 of 2%
Professional fees - changes in legislation for F2017 relates to CFSA Working Group Committee reviewing changes in legislation and impact up to the end of F2017. For F2018, \$150,000 is an estimate based on continued review of legislation and consulting fees expected to be incurred for additional advisory needed out of the legislative changes - see additional details on separate spreadsheet for 12 changes in legislation impact to budget.
13 Estimated audit fees expected to be consistent YOY for F2017 and F2018 at \$20,000 per year.
Office and admin include the following expenses: advertising and promotion, equipment leases, general and misc, interest and bank charges, library and resource materials, office supplies and stationery, postage and delivery. F2017 budget based on F2016 actuals with a small YOY increase and F2018 increase based on 10% increase due to increased staffing due to changes in legislation, 14 and 3rd office opening. Includes additional \$10,000 in costs associated with increased advertising/communication with changes in legislation.
Telephone and equipment based on F2016 actual with a small YOY increase for staffing increase due to changes in legislation. F2018 projection includes 20% increase due to 3rd office and increased 15 staffing due to changes in legislation (i.e. cell phone)
Insurance based on F2016 actual with small YOY increase for F2017 budget. For F2018 budget, projected 15% increase for regular insurance premium increase, 3rd office as well as larger insurance 16 coverage for new Esksoni office.
17 Dues and fees based on F2016 actual. Expected not to fluctuate too much YOY. Projected 5% increase for F2018 for increase associated with changes in legislation
Board of Directors travel / attendance at meetings based on F2016 actual with increase 10% YOY for F2017 and 2% for F2018 due to additional meetings which may be expected due to the changes in 18 legislation.
Based on best quote received for renovations of \$135,900 + additional equipment costs of \$29,500 (telephone/IT lines (19 drop boxes x \$500 \$9,500), additional desk/equipment/printer/storage 19 cabinets/cases (\$20,000); moving of current furniture to basement location, other costs (other additional costs outlined as part of the quote - \$9,800)
Teleconferencing equipment to be used by management and legal to attend meetings/teleconferences rather than drive to attend meetings/teleconferences in other locations. This is teleconferencing 20 equipment for both the Indian Brook and Eskasoni office locations and includes the equipment and installation costs.
21 Approximate cost for office equipment for new Eskasoni building
22 Approximate cost for office equipment for new 3rd office

Tribunal File No. T1340/7008

This is Exhibit "7" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

*Kim Piché*

A Commissioner for Taking Affidavits



## NOTICE OF BUDGET ADJUSTMENT

RECIPIENT NAME: MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

AGREEMENT NO.: 1617-AT-000014

FISCAL YEAR: 2016 - 2017

NOBA NO.: 0005

**1. The purpose of this notice**

- 1.1 The Government of Canada and the **MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA** (the "Recipient") entered into a Funding Agreement effective on the 1st day of April, 2016 (the "Agreement").
- 1.2 Section 15 (Changes in funding affecting the amount payable - adjustment factor) of the Agreement requires the Department of Indian Affairs and Northern Development (DIAND) to send a Notice of Budget Adjustment to the Recipient when the amount of DIAND funding to be provided under the Agreement changes according to an adjustment factor set out in "Annex 2 - Program, Services and Activity Delivery Requirements and Adjustment Factors - DIAND Funding of the Agreement.
- 1.3 The amount of DIAND funding for fiscal year 2016-2017 identified in "5.0 - Annex A to FED-1" will be increased in the amount of five million, one hundred two thousand dollars (\$5,102,000.00).

Functional Area: NPD1 - MAINTENANCE-FOSTER HOMES - \$1,102,000.00

Functional Area: NPD3 - OPERATIONS - CFS - \$4,000,000.00

**2. Notice**

- 2.1 The Department of Indian Affairs and Northern Development therefore notifies the Recipient that in accordance with section 15.1 of the Agreement:
- (a) Section 1.1 of "Annex 3 - Conditions of Payment - DIAND Funding" of the Agreement is deleted and replaced by the following section 1.1:
- (b) "Annex 4 - Payment Plan" of the Agreement is deleted and replaced with "5.0 - Annex A to FED-1- Adjustment Detailed Report" attached to this notice.

SIGNED ON Nov 14/16  
by the Department of Indian Affairs and  
Northern Development's authorized representative:

Babara J. Robinson  
Authorized Representative

1.0 - Program/Service Budgets, Authorities and Schedule of Monthly Payments Plan

As Of 2016/11/14

Arrangement #: 1617-AT-000014

Arrangement Type: FA - OTHER

Recipient: 9006 - MIYKMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Pool	Holdback	Allocation Total \$
FIXED CONTRIBUTION FUNDING (FIXED)															
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Indian Government Support															
Program Activity: GOV & INSTIT OF GOVT - BG400															
Functional Area Group: BAND EMPLOYEE BENEFITS - G4103															
Functional Area: PENSION PLAN ADMINISTRATION - STAT (Initial Allocation) - N301 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,214.00	1,210.00	0.00	0.00	14,564.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															
Functional Area Group: CHILD AND FAMILY SERVICES - P3201															
Functional Area: MAINTENANCE-FOSTER HOMES (Initial Allocation) - NPD1 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	541,667.00	541,667.00	541,667.00	541,667.00	541,667.00	541,667.00	541,667.00	1,276,307.00	633,497.00	833,497.00	633,497.00	633,633.00	0.00	0.00	7,602,000.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															
Functional Area Group: CHILD AND FAMILY SERVICES - P3201															
Functional Area: OPERATIONS - GPS (Initial Allocation) - NPD2 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	691,667.00	691,667.00	691,667.00	691,667.00	691,667.00	691,667.00	722,550.00	3,389,110.00	1,055,870.00	1,055,870.00	1,055,870.00	1,056,026.83	0.00	0.00	12,485,286.83
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															
Functional Area Group: CHILD AND FAMILY SERVICES - P3201															
Functional Area: PREVENTATIVE DISRUPTIVE MEAS (Initial Allocation) - NPD7 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	645,806.12	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,833.00	280,837.00	0.00	0.00	3,415,076.12
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															

1.0 - Program/Service Budgets, Authorities and Schedule of Monthly Payments Plan

As Of 2016/11/14

Arrangement #: 1617-AT-000014  
Arrangement Type: FA - OTHER  
Recipient 9006 - MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA  
DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Post	Holdback	Allocation Total \$
Functional Area Group: FAMILY VIOLENCE - P3401															
Functional Area: EMERGENCY SHELTERS OPNS (Initial Allocation) - NP82 (A0000 - DEFAULT ACCOUNT) (201703/31)															
001	60,824.00	60,824.00	60,824.00	60,824.00	60,824.00	140,268.48	78,164.00	78,153.97	78,152.00	78,152.00	78,152.00	78,157.00	0.00	0.00	821,309.43

TOTAL 2016-2017 FIXED CONTRIBUTION FUNDING (FIXED)

1,841,220.12 1,866,396.00 1,890,206.00 1,866,206.00 1,843,848.48 1,804,418.00 5,006,817.97 2,028,566.00 2,028,566.00 2,028,566.00 2,028,566.00 2,028,566.00 2,028,566.00 0.00 0.00 24,438,247.38

SET CONTRIBUTION FUNDING (SET)

PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Indian Government Support															
Program Activity: GOV & INSTT OF GOVT - BG400															
Functional Area Group: BAND EMPLOYEE BENEFITS - 04108															
Functional Area: CPP/QPP&PENSION-OTH EMPLR (Initial Allocation) - NG0P (A0000 - DEFAULT ACCOUNT) (201703/31)															
001	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,597.00	5,800.00	0.00	0.00	67,187.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - SP300															
Functional Area Group: FAMILY VIOLENCE - P3401															
Functional Area: PREVENTION PROJECTS (Amend # 0001) - NP89 (A0000 - DEFAULT ACCOUNT) (201703/31)															
001	50,000.00	0.00	0.00	50,000.00	0.00	0.00	50,000.00	0.00	0.00	50,000.00	0.00	0.00	0.00	0.00	200,000.00

TOTAL 2016-2017 SET CONTRIBUTION FUNDING (SET)

55,597.00 5,597.00 5,597.00 55,597.00 5,597.00 5,597.00 55,597.00 5,597.00 5,597.00 5,597.00 55,597.00 5,597.00 5,597.00 0.00 0.00 297,187.00

TOTAL 2016-2017 DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

1,896,817.12 1,861,802.00 1,861,802.00 1,861,802.00 1,861,802.00 1,849,248.48 1,860,016.00 5,011,214.97 2,035,163.00 2,035,163.00 2,035,163.00 2,035,163.00 2,035,163.00 0.00 0.00 24,706,414.38

TOTAL 2016-2017

1.0 - Program/Service Budgets, Authorities and Schedule of Monthly Payments Plan

As Of 2018/11/14

1,038,577.12	1,001,802.00	1,001,802.00	1,011,002.00	1,011,002.00	1,501,802.00	1,640,248.46	1,600,015.00	5,011,314.97	2,035,163.00	2,035,163.00	2,035,163.00	2,035,363.83	0.00	0.00	24,706,414.38
GRAND TOTAL															24,706,414.38

2.0 - Cash Flow by Fiscal Year by Department  
As Of 2016/11/14

Arrangement #: 1617-AT-000014  
Arrangement Type: FA - OTHER  
Recipient: 9008 - MFKMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

Budget	Funding	2016-2017	Total
Department of Indian and Northern Affairs Canada	Fixed Contribution	24,438,247.38	24,438,247.38
	Set Contribution	287,167.00	287,167.00
	Total	24,705,414.38	24,705,414.38
Total		24,705,414.38	24,705,414.38

3.0 - Cash Flow by Month and Year - ALL FUNDING by type and month

As Of 2016/11/14

Arrangement #: 1617-AT-000014  
Arrangement Type: FA - OTHER  
Recipient: 9006 - MIKMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA

Fixed Contribution

	April	May	June	July	August	September	October	November	December	January	February	March	Pool	Holdback	Total
2016-2017	1,841,280.12	1,556,205.00	1,556,205.00	1,556,206.00	1,556,205.00	1,643,649.48	1,604,418.00	5,005,817.97	2,029,566.00	2,029,566.00	2,029,566.00	2,029,763.83	0.00	0.00	24,438,247.39
Total	1,841,280.12	1,556,205.00	1,556,205.00	1,556,206.00	1,556,205.00	1,643,649.48	1,604,418.00	5,005,817.97	2,029,566.00	2,029,566.00	2,029,566.00	2,029,763.83	0.00	0.00	24,438,247.38

Set Contribution

	April	May	June	July	August	September	October	November	December	January	February	March	Pool	Holdback	Total
2016-2017	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,500.00	0.00	0.00	287,187.00
Total	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,597.00	55,597.00	5,597.00	5,500.00	0.00	0.00	287,187.00



**4.0 - Cash Flow by Month - Current Year - All Funding by Month and Department**

As Of 2018/11/14

This document is not available for multi-year NOBA

5.0 - Annex A to FED-1 - Adjustment Detailed Report  
As Of 2016/11/14

Arrangement #: 1617-AT-000014  
Arrangement Type: FA - OTHER  
Recipient: 9006 - MI'KMAW FAMILY & CHILDREN'S SERVICES OF NOVA SCOTIA  
DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA  
Fiscal Year: 2016-2017

Seq.	01 APR	02 MAY	03 JUN	04 JUL	05 AUG	06 SEP	07 OCT	08 NOV	09 DEC	10 JAN	11 FEB	12 MAR	Pool	Holdback	Allocation Total \$
FIXED CONTRIBUTION FUNDING (FIXED)															
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															
Functional Area Group: CHILD AND FAMILY SERVICES - P3201															
Functional Area: MAINTENANCE-FOSTER HOMES (Initial Allocation) - NPD1 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	734,640.00	91,630.00	91,630.00	91,630.00	91,630.00	0.00	0.00	1,102,000.00
PROGRAM ACTIVITY / FUNCTIONAL AREA GROUP / FUNCTIONAL AREA															
Social Development															
Program Activity: SOCIAL DEVELOPMENT - BP300															
Functional Area Group: CHILD AND FAMILY SERVICES - P3201															
Functional Area: OPERATIONS - CFS (Initial Allocation) - NPD3 (A0000 - DEFAULT ACCOUNT) (2017/03/31)															
001	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,686,560.00	333,320.00	333,320.00	333,320.00	333,320.00	0.00	0.00	4,000,000.00

TOTAL 2016-2017 FIXED CONTRIBUTION FUNDING (FIXED)

0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,401,200.00	425,160.00	425,160.00	425,160.00	425,160.00	0.00	0.00	5,102,000.00
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TOTAL 2016-2017 DEPARTMENT OF INDIAN AND NORTHERN AFFAIRS CANADA

0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,401,200.00	425,160.00	425,160.00	425,160.00	425,350.00	0.00	0.00	5,102,000.00
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TOTAL 2016-2017

0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,401,200.00	425,160.00	425,160.00	425,160.00	425,350.00	0.00	0.00	5,102,000.00
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GRAND TOTAL

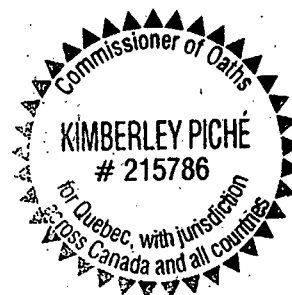
0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,401,200.00	425,160.00	425,160.00	425,160.00	425,350.00	0.00	0.00	5,102,000.00
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Tribunal File No. T1340/7008

This is Exhibit "8" referred to in the Affidavit  
of Cassandra Lang, sworn before me on  
January 25, 2017.

*Kim Piché*

A Commissioner for Taking Affidavits



# Allocation of HRT Immediate Relief Methodology for 2016-2017

Recommendation: May 12, 2016

CFS Agency		A.) 2015-2016 Total Ops Funding (Basic+Other+Transition)	B.) 2016-2017 Total Ops Funding (Basic + Other)	C.) 2016-2017 HRT Immediate Remedies Allocation (Includes Transition)	D.) 2016-2017 Total New Ops Allocation (B +C)
C3	Namgis	\$284,846	\$280,001	\$70,000	\$350,001
C3	Denisiqi	\$658,237	\$660,650	\$165,163	\$825,813
C3	Haida	\$356,766	\$362,553	\$90,638	\$453,191
C3	Heiltsuk	\$313,788	\$323,832	\$80,958	\$404,790
C4	Ayas Men Men	\$986,289	\$580,830	\$669,909	\$1,250,739
C4	Nezel Be Hunuyeh	\$364,352	\$374,005	\$425,374	\$799,379
C4	Carrier Sekani	\$1,393,822	\$972,567	\$695,761	\$1,668,328
C4	Nil/Tu,o	\$966,226	\$950,618	\$346,909	\$1,297,527
C4	Northwest Inter-Nation	\$1,021,046	\$812,232	\$281,138	\$1,093,370
C4	Gitxsan	\$737,384	\$824,131	\$340,803	\$1,164,934
C6	Cowichan/Lalum'utul	\$1,317,685	\$1,025,551	\$742,534	\$1,768,085
C6	Usma Nuw Chah Nulth	\$1,569,950	\$1,074,065	\$738,085	\$1,812,150
C6	Secwepemc	\$918,949	\$738,874	\$772,166	\$1,511,040
C6	Ktunaxa Kinbasket	\$247,191	\$253,981	\$261,922	\$515,903
C6	Fraser Valley Aboriginal Society	\$1,467,014	\$935,379	\$680,427	\$1,615,806
C6	Kwumut' Lelum	\$1,059,987	\$1,137,993	\$688,499	\$1,826,492
C6	Ilha'7Kapmx	\$622,337	\$381,378	\$385,804	\$767,182
C6	Knucwentwecw	\$499,894	\$370,595	\$408,890	\$779,485
C6	Scw'exmx	\$525,889	\$404,075	\$520,723	\$924,798
Bylaw	Splatsin Stsmamlt	\$330,271	\$88,807	\$383,697	\$472,504
<b>Totals</b>		<b>\$15,641,923</b>	<b>\$12,552,117</b>	<b>\$8,749,400</b>	<b>\$21,301,517</b>

## FNCFS Post-Budget 2016 Regional Funding profile

Year 1 (2016-2017)@ 40%	Year 2 (2017-2018) @60%	Year 3 (2018-2019) @80%	Year 4 (2019-2020) @100%	Year 5 (2020-2021) @100%
\$5,390,010	\$8,085,015	\$10,780,020	\$13,475,025	\$13,475,025

Note: The existing \$3.36M currently identified as Transition Funding will be provided each year in addition to the new FNCFS funding allocation